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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,611	03/01/2004	Eran Reshef	600177-090	5171
61834 7590 02/03/2009 Ostrow, Kaufman & Frankl LLP Susan Formicola 136 E. 57th Street 12th Floor NEW YORK, NY 10022				
EXAMINER				
PATIL, NIRAV B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,611

Applicant(s)

RESHEF ET AL.

Examiner

NIRAV PATEL

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33, 36-42 and 45-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33, 36-42, 45-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on November 24, 2008 has been entered. Claims 33, 36-42, 45-64 are pending. Claims 34, 35, 43, 44 are canceled and claims 33, 36, 37, 38, 59, 64 are amended by the applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 33, 36, 37, 46-48, 50-52, 59, 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Moni Naor ("Verification of a human in the loop or Identification via the Turing Test", Sep. 1996).

As per claim 33, Naor discloses:

presenting a human ability challenge having a response component, the human ability challenge having distorted content that reduces the possibility of automated computerized identification of the content performed by an automated computerized operation and increase the possibility of a human response, wherein the response component is not based on a pre-selected content item chosen by a user [abstract, page 1 lines 15-26, 27-37], the presenting including: generating the response component using original content; and distorting the original content of the response

component to generate the distorted content; electronically receiving a human response to the human ability challenge; and comparing the received response to the original content of the response component to thereby help determine whether the received response was provided by a human [abstract, page 1, lines 15-26, 27-37, page 3 lines 1-2].

As per claim 36, the rejection of claim 33 is incorporated and Naor discloses: generating the response component comprises randomly generating the original content of the response component [page 3 lines 1-2].

As per claim 37, the rejection of claim 33 is incorporated and Naor discloses: generating the human ability challenge comprises creating a distorted visual representation of the response component [page 3 lines 1-2, page 1 lines 27-37].

As per claim 46, the rejection of claim 33 is incorporated and Naor discloses: receiving a request for access to a computerized resource and providing access to the resource only if the received response to the human ability challenge matches the response component [abstract, page 1 lines 15-26, 27-37, page 3 lines 1-2].

As per claim 47, the rejection of claim 33 is incorporated and Naor discloses: requesting user confirmation of an action and accepting user confirmation only if the received

response to the human ability challenge matches the response component [abstract, page 1 lines 15-26, 27-37, page 3 lines 1-2].

As per claim 48, the rejection of claim 33 is incorporated and Naor discloses: presenting a human ability challenge comprises presenting one or more graphical images representing the response component [page 2 lines 22-38].

As per claim 50, the rejection of claim 33 is incorporated and Naor discloses presenting a human ability challenge comprises presenting an audio file (i.e. audio image (voice), reciting a question, wherein the response component represents an answer to the question [page 1 lines 15-26, 27-37, page 3 lines 3-4].

As per claim 51, the rejection of claim 33 is incorporated and Naor discloses: presenting a human ability challenge comprises presenting a noisy textual image displaying the response component [page 3 lines 1-2].

As per claim 52, the rejection of claim 33 is incorporated and Naor discloses: presenting a human ability challenge comprises presenting a natural language question, wherein the response component represents an answer to the natural language question [page 1 lines 15-26, 27-37].

As per claim 59, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 64, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 38-42, 45, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moni Naor ("Verification of a human in the loop or Identification via the Turing Test", Sep. 1996) and in view of Davies (WO 93/11511).

As per claim 38, the rejection of claim 33 is incorporated and Davis discloses: generating the human ability challenge comprises creating a distorted audio representation of the response component [page 3 lines 19-21].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Davies with Naor, since one would have been

motivated to prevent malicious damage or theft and to prevent fraud or to preserve security [page 1 lines 15-17].

As per claim 39, the rejection of claim 33 is incorporated and Davis discloses: selecting a type of human ability challenge from a plurality of human ability challenge types [page 3 lines 19-21].

In addition, Naor teaches: a plurality of human ability challenge type [page 2 -3].

As per claim 40, the rejection of claim 39 is incorporated and Davis discloses: selecting the type of human ability challenge comprises randomly selecting the type of human ability challenge [page 3 lines 14-21].

As per claim 41, the rejection of claim 39 is incorporated and Davis discloses: determining the respondent's identity, and wherein the step of selecting the type of human comprises selecting the type of human ability challenge based on the respondent's identity [page 4 lines 6-12].

As per claim 42, the rejection of claim 39 is incorporated and Davis discloses: generating the response component based upon the type of human ability challenge selected [page 3 lines 9-11, 26-36, page 4 lines 1-4].

In addition, Naor teaches: generating the response component based upon the type of human ability challenge selected [page 2 -3].

As per claim 45, the rejection of claim 33 is incorporated and Davis discloses: providing a request for authentication for gaining access to a computerized resource, receiving an authentication code, and verifying the code responsive to the request for authentication if the received response to the human ability challenge matches the response component [page 16 lines 15-18].

As per claim 63, the rejection of claim 59 is incorporated and Davis discloses: the first, second and third sets of computer program instructions reside on a single computer [Fig.1].

4. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moni Naor ("Verification of a human in the loop or Identification via the Turing Test", Sep. 1996) and in view of Yamamoto (US Patent No. 5,928,364).

As per claim 49, the rejection of claim 33 is incorporated and Naor discloses displaying/presenting the human ability challenge comprising presenting a plurality of graphical images representing identifiable objects [page 2].

Yamamoto teaches:

the step of presenting a human ability challenge comprises presenting a plurality of graphical images representing identifiable objects and presenting a cognitive question

regarding the plurality of graphical images, wherein the response component represents an answer to the question [Fig. 8A, 8B, col. 5 lines 25-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yamamoto with Naor, since one would have been motivated to prevent others from seeing the secret data easily, password data difficult for others to understand [Yamamoto, col. 1 lines 19-20].

5. Claims 53-58 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moni Naor ("Verification of a human in the loop or Identification via the Turing Test", Sep. 1996) and in view of Jalili (US Patent No. 6,209,104).

As per claim 53, the rejection of claim 33 is incorporated and Naor discloses presenting a human ability challenge [page 1 lines 15-26, 27-37].

Jalili teaches the transmitting the human ability challenge from a server to a client [Fig. 9].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Jalili with Naor, since one would have been motivated to provide secure data entry function for authentication system [Jalili, col. 1 lines 12-13].

As per claims 54 and 57, the rejection of claim 53 is incorporated and Naor discloses presenting a human ability challenge [page 1 lines 15-26, 27-37].

Jalili teaches the transmitting the human ability challenge with the encrypted/hashed response component [Fig. 9, col. 2 lines 7-17].

As per claims 55 and 58, the rejection of claim 54/57 is incorporated and Jalili teaches decrypting/ hashing the encrypted response component and comparing the decrypted/hashed response component to the received response [Fig. 9, col. 2 lines 7-17, Fig. 8].

As per claim 56, the rejection of claim 33 is incorporated and Jalili teaches: receiving a response to the human ability challenge comprise transmitting the response from the client to the server [Fig. 9].

As per claim 60, the rejection of claim 59 is incorporated and it encompasses limitations that are similar to limitations of claim 53. Thus, it is rejected with the same rationale applied against claim 53 above.

As per claim 61, the rejection of claim 60 is incorporated and Jalili teaches: the server comprises a proxy server positioned between an application server and the client [Fig. 9].

As per claim 62, the rejection of claim 60 is incorporated and Jalili teaches: the server comprises an application server [Fig. 9].

Response to Amendment

6. Applicant has amended claims 1, 59, 64, which necessitated new ground of rejection. See new ground of rejection above based on newly cited reference (**Moni Naor ("Verification of a human in the loop or Identification via the Turing Test", Sep. 1996)**) and in combination with various previously cited prior art. Therefore, the applicant's arguments, filed on Nov. 24, 2008, are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2005/0229251 – High performance content alteration architecture and techniques

US 7373510 --- System and method for implementing a robot proof web site

US 2007/0101010 – Human interactive proof with authentication

US 2007/0143624 – Client-side captcha ceremony for use verification

US 2006/0095578 – Human interactive proof service

US 2005/0114705 – Method and system for discriminating a human action from a computerized action

US 2003/0204569 – Method and apparatus for filtering e-mail infected with a previously unidentified computer virus

US 2002/0120853 – Scripted distributed denial-of-service attack discrimination using turning tests

US 5644648 – Method and apparatus for connected and degraded text recognition

US 6195698 -- Method for selectively restricting access to computer system

Hadwritten CAPTCHA: Using the difference in the abilities of human and machine in reading handwritten words – 2004.

A.M.Turing – computing machinery and intelligence, Mind 1950

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-

272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/N. P./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435